

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PATRICIA GONZALEZ and JENNIFER  
GONZALEZ, individually and as co-administrators  
of the Estate of KENNY LAZO,

Plaintiffs,

**Docket No.: CV-09-1023  
(ST)**

-against-

COUNTY OF SUFFOLK, SUFFOLK POLICE  
DEPARTMENT, POLICE COMMISSIONER  
RICHARD DORMER, in his individual and  
official capacity, POLICE OFFICER JOHN  
NEWTON, in his individual and official capacity,  
POLICE OFFICER JAMES SCIMONE, in his  
individual and official capacity, POLICE  
OFFICER WILLIAM JUDGE, in his individual  
and official capacity, POLICE OFFICER  
CHRISTOPHER TALT, in his individual and  
official capacity, POLICE OFFICER JOSEPH  
LINK, in his individual and official capacity,  
COUNTY OF SUFFOLK OFFICE OF DISTRICT  
ATTORNEY, SUFFOLK COUNTY DISTRICT  
ATTORNEY THOMAS SPOTA, in his individual  
and official capacity, ASST. DISTRICT  
ATTORNEY JOHN B. COLLINS, in his  
individual and official capacity, and "JOHN AND  
JANE DOES 1-10" representing as yet unknown  
and unidentified members of the Office of the  
Suffolk County District Attorney (all in their  
individual and official capacities as employees of  
the Office of Suffolk County District Attorney),

Defendants.

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**VERDICT FORM**

**LIABILITY**

Unlawful Arrest:

Question 1:

Has plaintiff proved by a preponderance of the evidence that any of the Defendants arrested or seized him on April 12, 2008?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "Yes" to Question 1, proceed to Question 2.

If you answered Question 1 "No," proceed to Question 3.

2. Have defendants proven by a preponderance of the evidence that on April 12, 2008 they had probable cause to arrest Kenny Lazo?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "Yes" to Question 2, do not answer Question 3 and proceed to Question 4. If you answered "No" to Question 2, answer Question 3.

3. Have any of the defendants proven by a preponderance of the evidence that he is entitled to a defense of qualified immunity in arresting Kenny Lazo?

JOHN NEWTON	YES _____	NO _____
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JAMES SCIMONE	YES _____	NO _____
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WILLIAM JUDGE	YES _____	NO _____
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CHRISTOPHER TALT	YES _____	NO _____
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JOSEPH LINK	YES _____	NO _____
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Proceed to Question 4.

Excessive Force:

Question 4:

Has Plaintiff proven by a preponderance of the evidence that Kenny Lazo was subjected to excessive force by any of the Defendants?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If your answer to Question 4 is "no," and you have answered "no" to all other questions above then proceed to Question 8. If your answer is "yes," to any question above then proceed to Question 5.

Question 5. Was defendants' use of excessive force a proximate cause of Kenny Lazo's injury?

YES \_\_\_\_\_ NO \_\_\_\_\_

Proceed to Question 6.

Failure to Intervene:

Question 6:

Has Plaintiff proven by a preponderance of the evidence that any Defendant, although having a realistic opportunity to do so, failed to intervene to prevent another Defendant from violating his constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

Proceed to Question 7.

Municipal Liability:

Question 7:

If you have answered "YES" as to any Defendant in Questions 1 through 6, has Plaintiff proven by a preponderance of the evidence that the conduct of such Defendant(s) resulted from a custom, pattern, policy, or practice of the County of Suffolk?

COUNTY OF SUFFOLK

YES \_\_\_\_\_

NO \_\_\_\_\_

Proceed to Question 8

Wrongful Death:

Question 8:

Has Plaintiff proven by a preponderance of the evidence that Kenny Lazo was subjected to Wrongful Death by any of the Defendants?

JOHN NEWTON

YES \_\_\_\_\_

NO \_\_\_\_\_

JAMES SCIMONE

YES \_\_\_\_\_

NO \_\_\_\_\_

WILLIAM JUDGE

YES \_\_\_\_\_

NO \_\_\_\_\_

CHRISTOPHER TALT

YES \_\_\_\_\_

NO \_\_\_\_\_

JOSEPH LINK

YES \_\_\_\_\_

NO \_\_\_\_\_

COUNTY OF SUFFOLK

YES \_\_\_\_\_

NO \_\_\_\_\_

Proceed to Question 9.

Battery:

Question 9:

Has Plaintiff proven by a preponderance of the evidence that Kenny Lazo was subjected to a Battery by any of the Defendants?

JOHN NEWTON

YES \_\_\_\_\_

NO \_\_\_\_\_

JAMES SCIMONE

YES \_\_\_\_\_

NO \_\_\_\_\_

WILLIAM JUDGE

YES \_\_\_\_\_

NO \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY OF SUFFOLK YES \_\_\_\_\_ NO \_\_\_\_\_

Proceed to Question 10.

Negligence:

Question 10:

Has Plaintiff proven by a preponderance of the evidence that any of the Defendants were negligent in their dealing with Kenny Lazo?

JOHN NEWTON YES \_\_\_\_\_ NO \_\_\_\_\_

JAMES SCIMONE YES \_\_\_\_\_ NO \_\_\_\_\_

WILLIAM JUDGE YES \_\_\_\_\_ NO \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY OF SUFFOLK YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered "YES" as to any Defendant in Questions 1 through 10, proceed to question 11.

### **DAMAGES**

Unlawful Arrest and Seizure

Question 11:

Has Plaintiff proven by a preponderance of the evidence an entitlement to compensatory damages as a result of any Defendants' unlawful arrest and seizure ?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES", please proceed to Question 12. If you answered "NO", please proceed to Question 14.

Question 12:

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on the unlawful arrest and seizure claim.

\$ \_\_\_\_\_

Question 13:

For any Defendant for whom you answered "YES" in Question 3, identify the percentage, if any, of compensatory damages for which they are responsible. The total of the percentages must equal one hundred percent.

JOHN NEWTON % \_\_\_\_\_

JAMES SCIMONE % \_\_\_\_\_

WILLIAM JUDGE % \_\_\_\_\_

CHRISTOPHER TALT % \_\_\_\_\_

JOSEPH LINK % \_\_\_\_\_

COUNTY OF SUFFOLK % \_\_\_\_\_

Proceed to Question 14.

Excessive Force

Question 14: (Only answer this Question if you answered "YES" in Question 5. If not, proceed to Question 17.)

Has Plaintiff proven by a preponderance of the evidence that they are entitled to compensatory damages as a result of Kenny Lazo being subjected to excessive force?

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered "YES", please proceed to Question 15. If you answered "NO", please proceed to Question 17.

Question 15:

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on his excessive force claim:

Total: \$ \_\_\_\_\_

Question 16:

For any Defendant for whom you answered "YES" in Question 4, identify the percentage, if any, of compensatory damages for which they are responsible. The total of the percentages must equal one hundred percent.

JOHN NEWTON % \_\_\_\_\_

JAMES SCIMONE % \_\_\_\_\_

WILLIAM JUDGE % \_\_\_\_\_

CHRISTOPHER TALT % \_\_\_\_\_

JOSEPH LINK % \_\_\_\_\_

COUNTY OF SUFFOLK % \_\_\_\_\_

Proceed to Question 17.

Failure to Intervene

Question 17: (Only answer this Question if you answered "YES" in Question 6. If not, proceed to Question 20.)

Has Plaintiff proven by a preponderance of the evidence that they are entitled to compensatory damages as a result of any Defendants' failure to intervene?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES", please proceed to Question 18. If you answered "NO", please proceed to Question 20.

Question 18:

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on their failure to intervene claim.

\$ \_\_\_\_\_

Question 19:

For any Defendant for whom you answered "YES" in Question 6, identify the percentage, if any, of compensatory damages for which they are responsible. The total of the percentages must equal one hundred percent.

JOHN NEWTON % \_\_\_\_\_

JAMES SCIMONE % \_\_\_\_\_

WILLIAM JUDGE % \_\_\_\_\_

CHRISTOPHER TALT % \_\_\_\_\_

JOSEPH LINK % \_\_\_\_\_

COUNTY OF SUFFOLK % \_\_\_\_\_

Proceed to Question 20.

Wrongful Death:

Question 20: (Only answer this Question if you answered "YES" in Question 8. If not, proceed to Question 21.)

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on their Wrongful Death claim.

\$ \_\_\_\_\_

Proceed to Question 21.

Battery:



Question 21: (Only answer this Question if you answered "YES" in Question 9. If not, proceed to Question 22.)

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on their Battery claim.

\$ \_\_\_\_\_

Proceed to Question 22.

Negligence:

Question 22: (Only answer this Question if you answered "YES" in Question 9. If not, proceed to Question 23.)

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on their Negligence claim.

\$ \_\_\_\_\_

Punitive Damages:

Question 23: (Only answer this Question if you answered "YES" to any of Questions 1, 2, 3, 4, 5, 6, 8 or 9. If not, proceed no further.)

Has Plaintiff proven by a preponderance of the evidence that any Defendants violation of Kenny Lazo's civil rights, wrongful death or battery was malicious or wanton?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If you answered "YES" as to any Defendant, proceed to Question 24. If you answered "NO" as to all Defendants, proceed no further.

Question 24: What amount of punitive damages, if any, do you award Plaintiff?

JOHN NEWTON \$ \_\_\_\_\_

JAMES SCIMONE \$ \_\_\_\_\_

WILLIAM JUDGE \$ \_\_\_\_\_

CHRISTOPHER TALT \$ \_\_\_\_\_

JOSEPH LINK \$ \_\_\_\_\_

You have completed your deliberations. The Foreperson should date and sign below. Then you should advise the Court that you have completed your deliberations.

Dated: Central Islip, New York  
August \_\_, 2023

Signed: \_\_\_\_\_  
Foreperson